

## **PCT**

#### **NOTIFICATION OF ELECTION**

(PCT Rule 61.2)

#### From the INTERNATIONAL BUREAU

Τo

United States Patent and Trademark Office (Box PCT) Crystal Plaza 2 Washington, DC 20231 ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year)
12 March 1999 (12.03.99)

International application No.
PCT/US98/15411

International filing date (day/month/year)
24 July 1998 (24.07.98)

Applicant

BRIGGS, Michael, R. et al

1.	The designated Office is hereby notified of its election made:
	X in the demand filed with the International Preliminary Examining Authority on:
	12 February 1999 (12.02.99)
	in a notice effecting later election filed with the International Bureau on:
	·
2.	The election X was
	was not
	made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

A. Karkachi

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

F

## PATENT COOPERATION TREATY

REC'D	2	1	MAY	1999	
WIP	0		i	PCT	

# **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

	r					
Applicant's or agent's file reference 234/231-PCT	FOR FURTHER ACTION			ransmittal of International eport (Form PCT/IPEA/416)		
International application No.	International filing date (day	/month/year)	Priority date	(day/month/year)		
PCT/US98/15411	24 JULY 1998		25 JULY 1	997		
International Patent Classification (IPC) Please See Supplemental Sheet.	or national classification and	IPC				
Applicant LIGAND PHARMACEUTICALS INC	ORPORATED					
<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> <li>This REPORT consists of a total of sheets.</li> <li>This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</li> </ol>						
These annexes consist of a to						
3. This report contains indication	s relating to the following	items:				
I X Basis of the repor	t			•		
II Priority						
III X Non-establishmen	t of report with regard to r	ovelty, invent	ive step or inc	dustrial applicability		
IV Lack of unity of i				,		
	t under Article 35(2) with renations supporting such state		y, inventive ste	p or industrial applicability;		
VI Certain documents of	eited					
VII Certain defects in th	e international application					
VIII Certain observations	on the international applica	tion				
			·			
			5.41			
Date of submission of the demand	Dat	e of completion	of this report			
12 FEBRUARY 1999		06 MAY 1999				
Name and mailing address of the IPEA/U		norized officer		JOYCE BRIDGERS		
Commissioner of Patents and Tradema Box PCT Washington, D.C. 2023 I		IREM YUCEL		PARALEGAL SPECIALIST CHEMICAL MATRIX		
Facsimile No. (703) 305-3230	Tele	phone No. (	703) 308-0196	gos or		



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US98/15411

		······································	
I. Ba	sis of	the rep rt	
			ne basis of (Substitute sheets which have been furnished to the receiving Office in response to an invitation In this report as "originally filed" and are not annexed to the report since they do not contain amendments):
	x	the internations	al application as originally filed.
	X	the description	, pages 1-86 , as originally filed.
			pages NONE , filed with the demand.
			pages NONE , filed with the letter of
			pages, filed with the letter of
	x	the claims,	Nos. 1-25 , as originally filed.
			Nos. NONE , as amended under Article 19.
			Nos. NONE , filed with the demand.
			Nos. NONE , filed with the letter of
			Nos, filed with the letter of
	x	the drawings,	sheets/ <del>fig</del> 1-7 , as originally filed.
			sheets/fig NONE , filed with the demand.
			sheets/fig NONE , filed with the letter of
		•	sheets/fig, filed with the letter of
2. The :	x X X	the description,	pages none  Nos. none sheets/fig none
3.			stablished as if (some of) the amendments had not been made, since they have been considered of sure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).
4. Add NONE		l observations, if	f necessary:
		•	



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US98/15411

III. N	on-establishment of opinion with regard to novelty, inventive step and industrial applicability
The que	estion whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be ally applicable have not been and will not be examined in respect of:
	the entire international application.
x	claims Nos. <u>9-14</u>
because	:
	the said international application, or the said claim Nos. relate to the following subject matter which does not require international preliminary examination (specify).
	the description, claims or drawings (indicate particular elements below) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify).
	the claims, or said claims Nos are so inadequately supported by the description that no meaningful opinion could be formed.
x	no international search report has been established for said claims Nos. 9-14.



International application No.

PCT/US98/15411

V	V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1.	STATEMENT						
	Novelty (N)	Claims Claims	1-8 and 15-25 none	YES NO			
	Inventive Step (IS)	Claims Claims	1-8 and 15-25 none	YES NO			
	Industrial Applicability (IA)	Claims Claims	1-8 and 15-25 none	YES NO			
	suggest the control regions of the human Pl screening for agents which modulate expres	PARy gene. The ssion of the huma Further the claime	ele 33(2)-(4), because the prior art does not teach or fairly prior art does not teach nor fairly suggest methods of an PPARγ gene by using the control region of the human ed invention recited by the instant claims has industrial				



International application No. PCT/US98/15411

Sii	n	nl	em	en	tal	Box
Эu	,	,,,	CHI	CI.	ıaı	DUA

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

#### **CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below: IPC(6): C07H 21/02, 21/04; C12N 5/06, 5/08, 5/10; C12Q 1/02, 1/68; C12P 21/06 and US Cl.: 536/23.1, 23.5, 24.1; 435/6, 29, 69.1, 357, 365, 370

International application No. PCT/US98/15411

	SSIFICATION OF SUBJECT MATTER		
, , ,	Please See Extra Sheet. 536/23.1, 23.5, 24.1; 435/6, 29, 69.1, 357, 365, 370		-
	o International Patent Classification (IPC) or to both	national classification and IPC	
B. FIEL	DS SEARCHED		
Minimum do	ocumentation searched (classification system followed	d by classification symbols)	
U.S. : 5	536/23.1, 23.5, 24.1; 435/6, 29, 69.1, 357, 365, 370		
Documentat	ion searched other than minimum documentation to the	e extent that such documents are included	in the fields searched
NONE			
Electronic d	ata base consulted during the international search (na	ame of data base and, where practicable,	search terms used)
Please See	e Extra Sheet.		
C. DOC	UMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where ap	propriate, of the relevant passages	Relevant to claim No.
A, P	US 5,686,596 A (MUKHERJEE) 11 document.	November 1997, see entire	1-8, 15-25
A, P	FAJAS et al. The Organization, Promof the Human PPAR gamma Gene. Chemistry. 25 July 1997, Vol. 272, see entire document.	1-8, 15-25	
Ү, Р	US 5,726,041 A (CHRESPI et al.) document.	10 March 1998, see entire	1-8, 15-25
Y	GEARING et al. Structure of the M Activated Receptor alpha Gene. I Research Communications. 28 Febru pages 255-263, see entire document.	Biochemical and Biophysical	1-8, 15-25
<u> </u>	er documents are listed in the continuation of Box C		
i i	ecial categories of cited documents: cument defining the general state of the art which is not considered	"T" later document published after the int date and not in conflict with the app	lication but cited to understand
to	be of particular relevance	*X* document of particular relevance; th	
"L" doe	lier document published on or after the international filing date cument which may throw doubts on priority claim(s) or which is ad to establish the publication date of another citation or other	considered novel or cannot be conside when the document is taken alone	
*O* doc	soial reason (as specified)  rument referring to an oral disclosure, use, axhibition or other	"Y" document of particular relevance; the considered to involve an inventive combined with one or more other such	step when the document is a documents, such combination
"P" doc	ans  cument published prior to the international filing date but later than priority date claimed	being obvious to a person skilled in t  *A* document member of the same patent	
	actual completion of the international search	Date of mailing of the international sea	rch report
25 SEPTE	MBER 1998	<b>28</b> OCT 1998	
Commission Box PCT	nailing address of the ISA/US ner of Patents and Trademarks	Authorized officer Laure IREM YUCEL	nce for
Facsimile N		Telephone No. (703) 308-0196	•

International application No.
PCT/US98/15411

	- DOCUMENTS CONSIDERED TO DE DELEVANT		
C (Continua Category*	ction). DOCUMENTS CONSIDERED TO BE RELEVANT  Citation of document, with indication, where appropriate, of the relevant	int passages	Relevant to claim No.
	Citation of document, with indication, where appropriate, of the relevant	mt passages	Rolevant to claim 140
Y	ZHU et al. Structural organization of mouse peroxisom proliferator-activated receptor gamma (mPPARgamma) Alternative promoter use and different splicing yield tw gamma isoforms. Proceedings of National Academy of U.S.A. August 1995, Vol. 92, pages 7921-7925, see endocument.	gene: o mPPR Sciences,	1-8, 15-25

International application No. PCT/US98/15411

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)
This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
Claims Nos.: 9-14     because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  Please See Extra Sheet.
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.  2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.  3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark on Protest  The additional search fees were accompanied by the applicant's protest.  No protest accompanied the payment of additional search fees.

International application No. PCT/US98/15411

A. CLASSIFICATION OF SUBJECT MATTER:

IPC (6):

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C07H 21/02, 21/04; C12N 5/06, 5/08, 5/10; C12Q 1/02, 1/68; C12P 21/06

**B. FIELDS SEARCHED** 

Electronic data bases consulted (Name of data base and where practicable terms used):

APS, STN (CAPLUS), DIALOG (MEDLINE, BIOSIS, SCISEARCH)

TERMS: PPAR, peroxisome proliferator activated receptor?, genom? clon? untranslate? region? sequence? regulat? control? element? human?

BOX I. OBSERVATIONS WHERE CLAIMS WERE FOUND UNSEARCHABLE

2. Where no meaningful search could be carried out, specifically:

The above claims are drawn to specific sequences or specific regions (subsequences) of particular genes. The CRF submitted in response to a telephone call to Applicant's representative did not comply with the sequence rules. Applicant's representative was FAXed a copy of the error report, but has not yet submitted a subsequent CRF.

### FOR THE PURPOSES OF INFORMATION ONLY

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CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
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#### SEQUENCE LISTING

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<213> PPARy3 proximal promoter

<400> 33

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                                                                       120
tgaagtgatt ttaatagatg tttcttttat gaaataattt ttaaagattg tccagccctg
                                                                       180
catgatttat gatgaatcat tttgtggtct gttagttact tttagagaat agaaagcatt
                                                                       240
gtaggctcag ggaaagcaaa cattcagaat gaaatccaat agagaaggta aatttatttg
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ggcatgtaca ttttggcagc ctaggctgtg tacatgtgta cacattctga acatgtgtgt
                                                                      360
atattgaaaa tettgtetet titttattgt taagatttga aagaageega caetaaacea
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ccaatataca acaaggccat tttgtcaaac gagagtcagc ctttaacg
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<211> 1433

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ctcaattgat gacctaatgt agaagttaat gagagcaggc ctgttggcaa aaaggcattt 180
atatggatac actgtatgta tctgcactgt ttcaggatcc tctattatga tacctgggta 240
aagggtgact teetttetat cataaaacag eetagacage actaagaagg tggttatgtt 300
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ccttcactac tgttgacttc tccagcattt ctactccaca ttacgaagac attccattca 600
caagaacaga tccagtggtt gcagattaca agtatgacct gaaacttcaa gagtaccaaa 660
gtatgatgtt tgttttcact tttcagacta ctagg
                                                                  695
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       <211> 313
       <212> DNA
       <213> Intron 1, exon 2, and intron 2
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agectgcate tecacettat tattetgaga agacteaget etacaataag ceteatgaag 120
ageetteeaa eteecteatg geaattgaat gtegtgtetg tggagataaa gettetggat 180
ttcactatqq agttcatqct tqtqaaggat qcaaggtaat taaaaaaaaa qtcttcaaaq 240
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atgaattttt ttt
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      <211> 473
       <212> DNA
       <213> Intron 2, exon 3, and intron 3
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<210> 38

<211> 706

<212> DNA

<213> Intron 3, exon 4, and intron 4

<400> 38

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<210> 39

<211> 732

<212> DNA

<213> Intron 4, exon 5, and intron 5

<400> 39

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caaagcaagt	ttacataaac	agttttctga	acctgggatg	gcattcactg	tgagttagaa	180
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gaattcctta	atgatgggag	aagataaaat	caagttcaaa	cacatcaccc	ccctgcagga	300
gcagagcaaa	gaggtggcca	tccgcatctt	tcagggctgc	cagtttcgct	ccgtggaggc	360
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cgaccaagta	actctcctca	aatatggagt	ccacgagatc	atttacacaa	tgctggcctc	480
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gaagttcaat	gcactggaat	tagatgacag	cgacttggca	atatttattg	ctgtcattat	660
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ggtggccaaa	ag .					732

<210> 40
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<212> DNA
<213> Intron 5, exon 6, and 3' UTR

<400> 40

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<210> 41

<211> 13

<212> DNA

<213> PPARy3-E-box

<400> 41

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13

<210> 42

<211> 13

<212> DNA

<213> PPARy3-E-box

<400> 42

attcatgcat cat

13

<210> 43

WO 99/05161

13

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<212> DNA

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<400> 43

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15

<210> 44

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<400> 45

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<213> 6 (248) Donor

<400> 59

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12

<210> 60

<211> 44

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<400> 60

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